

JUVENILE COURT ADJUDICATORY & DISPOSITIONAL PROCEDURES 2000

As mentioned before, after a referral is made to the juvenile court, decisions are made regarding how the court will proceed. If the decision is made to handle the referral informally, two options are open to the court; Pretrial Diversion and Informal Adjustment. These two procedures are quite similar in that they are both a voluntary agreement between the court officer, the child and the parents which addresses the problem but avoids a formal court hearing and an official finding of guilt. The difference between Pretrial Diversion and Informal Adjustment is seen in the extent to which the judge or referee is involved. Pretrial Diversion requires judicial approval of the voluntary agreement. Informal Adjustment is subject to judicial approval but does not require it prior to initiation. The chart on page 42 reveals that, in 2000, 7.7% of the referrals to juvenile court were processed by Informal Adjustment and 5.4% by Pretrial Diversion.

When the court believes that it is in the best interest of the child and/or the community, a formal adjudicatory proceeding or hearing is held regarding the child's referral to juvenile court. The adjudicatory hearing is a formal proceeding in which the judge or referee determines whether the motion made on behalf of the child, or the complaint made against the child is substantiated. If substantiation of the motion/complaint occurs, a dispositional hearing must be held either immediately or at a later date. The table on page 43 indicates that 61.9% of the referrals to juvenile court resulted in a formal adjudicatory proceeding. The table on page 43 further shows that the formal adjudicatory proceedings resulted in 43.7% of the motions/complaints against children being substantiated, while 14.6% of motion/complaints were formally dismissed and 3.6% were retired.